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SUBJECT: DHI QAR HUMAN RIGHTS DIR: SITUATION DETERIORATING

REF: BAGHDAD 1554

Classified By: Acting Deputy Political Counselor Michael Ma for reasons  
1.4 (b) and (d).

¶1. (C) Summary: The human rights situation is "deteriorating, with some areas of improvement," according to Dhi Qar Ministry of Human Rights Office Director Mohammad Radhi Bahar. In a July 17 meeting with the PRT, Bahar outlined a number of areas in which the PRT could work jointly with the Office or provide support. Bahar was critical of the human rights performance of the recently-disbanded Tactical Security Unit (TSU), while praising the efforts of the new Police Chief Brigadier General Sabah al-Fatlawi to professionalize the Dhi Qar police service. While Bahar was eager to cooperate with the PRT, he came with a shopping list and clearly expected funding. This motivated him to portray the office in the best possible light and his comments should be taken with a grain of salt. End Summary.

The Office and its Director

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¶2. (C) On 17 July, IPAQ met with Mohammad Radhi Bahar, the Director of the Dhi Qar Ministry of Human Rights Office. Bahar is a civil servant employed by the Ministry of Human Rights. Prior to his present position, he practiced law for nine years. He opened the office in the provincial capital of Nassiriyah in 2006, after receiving training in the International Zone from the United Nations and in Basrah from the British Embassy. Since taking over in Nassiriyah, Bahar has also attended a course on Iraqi law co-sponsored by the Department of State and the American Bar Association.

¶3. (C) Bahar came to Nassiriyah and initially opened the office alone. Since then, his budget and staff have been expanded. He now supervises seven employees, including five lawyers and an administrative specialist. Bahar complained that he does not receive an adequate budget from Baghdad to hire sufficient staff and carry out his assignments, forcing him to prioritize his work and often miss deadlines.

Committees and Priorities

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¶4. (C) The office was established under guidelines laid out in Coalition Provisional Authority Article 10. Its stated purpose is to provide recommendations to all departments of the Dhi Qar government as to how they can maintain international human rights standards. The office has also been tasked with maintaining "open channels" with the Multi-National Forces and international NGOs working in the field of human rights.

¶5. (C) The office oversees four committees as follows:

--The Prisoners and Detainees Monitoring Committee: Monitors Dhi Qar prisons and detention facilities, investigates the status of detainees, and ensures that there is no torture or abuse. The Committee also provides training courses to

prisoners and prison supervisory staff on human rights issues. The office has been provided with blanket authority to make unannounced visits to any prison in the province at any time and submits regular reports to the Ministry of Human Rights (MoHR) in Baghdad.

--The Services Monitoring Committee: Observes the functioning of the departments of the Dhi Qar government to locate and eliminate "obstacles" that lead to human rights abuse. The Committee is tasked with ensuring that the Dhi Qar provincial government meets all international human rights standards.

--The Mass Graves Committee: Identifies the locations of mass graves in Dhi Qar and confirms the identities of those buried in the graves. It works closely with municipalities and the Department of Agriculture, which oversees the locations of the located mass graves. The office provides fencing for the grave sites and signs warning against trespassing, as well as guards. It locates and hires forensic specialists to exhume the graves and conduct DNA testing to identify the victims. To date, four mass grave sites have been located in Dhi Qar. The office has received reports from eyewitnesses regarding other sites and is in the process of locating them. (Note: the MoHR in Baghdad leads all mass grave investigations in Iraq but has not done any recent work in Dhi Qar. End Note.)

--The Training Committee: Provides civic education and "spreads the culture of human rights" among the Army, police and prison management. It places a strong emphasis on training prison supervisory personal on modern management techniques to ensure that Dhi Qar prisons meet international criteria. The Committee also provides courses and

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information to the general public, and holds regular three day training sessions for Dhi Qar civil servants from all departments.

#### A Mixed Picture

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¶6. (C) When queried by the IPAO, Bahar described the Dhi Qar human rights situation as "deteriorating with signs of improvement." The biggest area of improvement, according to Bahar, has been prison management. Recent regulations have improved standards in Dhi Qar prisons. Bahar was adamant that officials from the human rights office are able to freely conduct unannounced prison visits without hindrance. Bahar attributed much of the improvement in this area to American provided assistance. On the down side, Bahar affirmed that prisons remain overcrowded and that prisoners are still held without confirmation of their legal status. In addition, some prisoners are denied family visits, kept incommunicado, and denied medical care.

¶7. (C) Bahar was reluctant to accuse Dhi Qar officials of willfully flaunting human rights. Rather, he argued, many are "ignorant of human rights norms." He noted that most human rights violations are committed by officials from the Ministries of Defense and the Interior. "Because they are unfamiliar with modern forensic techniques," said Bahar, "they do not know how to conduct a criminal investigation and rely on forced confessions to solve crimes."

#### Areas of Potential Cooperation

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¶8. (C) When asked about possible areas of collaboration between the office and the PRT could work together, Bahar suggested: conducting joint training courses for officials from Ministry of Interior on prison management and human rights; a class for Ministry of Education officials and teachers on the rights of students and the need to end corporal punishment in schools; funding to collect statistics on families in Dhi Qar that have been effected by MNF and ISF operations and have not been provided with compensation

(Bahar added that there are families in the province who have lost loved ones during military operations and that this issue must be resolved); and capacity-building for the Human Rights Office. Bahar emphasized that due to inadequate funding from Baghdad, the office has only two vehicles and is badly in need of office equipment, including four computers.

#### Claims of Close Cooperation

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¶9. (C) Bahar then cited evidence of progress on the human rights front, claiming that the Provincial Council and provincial government "comprehend the importance of our work, do not hinder us or provide obstacles and are quick to inform us of violations." He cited one example of policemen alleged to have beat civilians in downtown Nassiriyah. The government referred the case to the Human Rights office, which has started an investigation.

#### Disturbed by the TSU

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¶10. (C) When queried regarding his assessment of the performance and activities of the Tactical Security Unit (TSU), Bahar replied that he had "heard that the TSU has committed many violations." The problem, he asserted, is that the TSU was infiltrated by a militia. However, Bahar claimed that he had inspected the "jail" maintained by the TSU and found it meets human rights criteria and saw no evidence of torture. Another problem cited by Bahar was that the TSU was not authorized to conduct investigations, which are only to be conducted by the police, but insisted on doing them anyway. Although the new Dhi Qar Police Chief Sabah al-Fatlawi, publicly announced on 16 July the disbandment of the TSU, Bahar was skeptical that this would actually take place.

#### But Happy with the Police Chief

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¶11. (C) Bahar had a positive impression of IP Chief General al-Fatlawi, stating that he was a definite improvement over his predecessor, Abd al-Hussain. Bahar emphasized that he fully supported General al-Fatlawi's efforts to professionalize the police and that "significant improvements" were already evident. Bahar was particularly impressed that General al-Fatlawi had de-activated "rogue" police units outside the police chain of command.

#### The Controversial SF Operation

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¶12. (C) When asked about the 10 July incident involving a Coalition operation in Nassiriyah, Bahar confirmed that the provincial government is investigating to determine the facts. He emphasized that MNF forces "cause fear" in the general populace when they conduct such operations, which will persist as long as there are casualties. Bahar was adamant that such operations must be coordinated with the Dhi Qar government and the ISF to avoid unnecessary confrontation, gunfire and casualties. He claimed that the investigation has confirmed that the person killed in the operation was "an old man over 60 years of age" who "had no association with terrorists." According to Bahar, a religious party raised the incident on the floor of Parliament in Baghdad on 16 July. (Note: Two Iraqis were wounded and one Iraqi was killed in a July 10 Coalition operation to arrest a suspected counterfeiter. End Note.)

#### Comment

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¶13. (C) While Bahar was frank and forthcoming in the meeting and provided useful information, he clearly saw the PRT as a

potential source of funds and material and came equipped with a shopping list. It was thus in his interest to magnify the achievements and activities of the Human Rights Office to portray it as a viable recipient of PRT funding, and his assertions must therefore be taken with a grain of salt. Reporting from other PRTs similarly casts doubt on the effectiveness of MoHR offices around the country (reftel). This aside, Bahar was eager to work with the PRT on a wide variety of projects and could make a good partner for future activities and source for information. End Comment.

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